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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,512	07/07/2003	Yung-Ho Chuang	KLAC0075	9347
30438	7590	11/01/2005	EXAMINER	
SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION 3310 AIRPORT AVENUE, SW SANTA MONICA, CA 90405			FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,512

Applicant(s)

CHUANG ET AL.

Examiner

Lee Fineman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,70 and 75-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,70 and 75-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/7/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to an amendment filed 8 August 2005 in which claims 1-2, 5, 75, 77-78 and 83-84 were amended, claims 86-91 were added and claims 3 and 69 were cancelled. Claims 1-2, 5-9, 70 and 75-91 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-9, 70 and 75-91 are rejected under 35 U.S.C. 102(b) as being anticipated by Shafer et al., US 2001/0040722 A1.

Regarding claims 1, 70, 75-76, 83 and 86-87, Shafer et al. disclose in figs. 1 and 3, a system (fig. 1) for inspecting a specimen comprising: an illumination system (101) comprising an arc light able to provide light energy having a wavelength in the range of approximately 285 to 320 nanometers (see page 4, section [0056]); and an imaging subsystem (fig. 3) oriented and configured to receive said light energy from said illumination system and direct light energy toward said specimen, said imaging subsystem comprising a plurality of elements having a diameter less than 100 millimeters (as the drawing is to scale, all elements are less than 100 millimeters); and wherein the catadioptric optics support wavelengths from approximately 266-600 nm (in at least so far as this wavelength range will pass through the optics). The method of utilizing the structure of the claim is inherent therein.

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Regarding claims 2, 77, 84 and 88, Shafer et al. further disclose wherein said plurality of optical elements comprises a mangin mirror arrangement (306).

Regarding claims 5, 78, and 89, Shafer et al. further disclose wherein said plurality of optical elements comprises collection optics (102) for collecting light energy reflected from said specimen (fig. 1), wherein the collection optics are catadioptric (102 and fig. 3).

Regarding claims 6, 79 and 90, Shafer et al. further disclose where the imaging and illumination subsystems support at least one of a group of inspection modes comprising bright field, ring dark field, directional dark field, full sky, aerial imaging, confocal, and fluorescence (page 2, section [0027]).

Regarding claims 7-8 and 80-81, Shafer et al. further disclose where the imaging subsystem uses a varifocal system for the full magnification range (figs. 10-11) and where separate imaging lenses are used for specific magnification increments (fig. 13).

Regarding claims 9, 82, 85 and 91, Shafer et al. further disclose a data analysis subsystem (page 1, section [0006] and page 5, section [0072]) for analyzing data representing the light energy reflected from the specimen, wherein the data analysis subsystem has the ability to record defect position for any defect on the specimen (with 104, fig. 1).

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 5-9, 70 and 75-91 have been considered but are moot in view of the new ground(s) of rejection.

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4. It is noted by the Examiner that the claim objections made in the previous Office Action have been withdrawn due to amendment by the Applicant.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LAF
October 27, 2005


MARK A. ROBINSON
PRIMARY EXAMINER